IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.186 OF 2005

Kashinath A. Bhatkar & Ors. ..Applicants.

V/s.

Indirabai S. Bhatkar & Ors. ..Respondents.

Mr.Rajiv L. Patil for applicants.

Mr.B.P.Abhade for respondent Nos.4 and 5.

Mr.Ameya Tamhane i/b. Seema Sarnaik for Respondent Nos. 6 to 9, 11 and 13.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 24, 2006.

P.C. :

1. Heard counsel for the parties.

2. Hearing of this matter was deferred to enable the parties to explore possibility of some amicable settlement. However, it appears that the settlement is not possible. In the circumstances, matter is heard on merit, by consent.

3. Having considered the rival submissions, I find no infirmity with the view taken by the Court below in its order dated 21st August, 2001. The grievance of the applicant that if the decree, as passed, is given effect to, that will render the

premises unusable as the size of the door for entrance will be reduced so as to make it unusable for any person. Photograph to support this position was produced before me. However, this contention has been rightly countered by the counsel for the respondents by placing reliance on the sketch with regard to the entire suit property. The door which is appearing in the photograph was earlier entrance, which has now been closed. The regular entrance for the respective portions of the suit property for the parties is also specified in this sketch. The regular entrance is appropriate entrance. In any case, I find no reason to interfere in exercise of revisional jurisdiction, as I find substance in the opinion recorded by the lower Court that it is not possible to reopen the final decree which has been passed on 21st November, 1998 as that would be the reason if the applicant’s contention was to be entertained. Hence this Revision Application fails. The same is dismissed.